

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA09-1062

NABHOLZ CONSTRUCTION CORP. and
RISK MANAGEMENT RESOURCES
APPELLANTS

V.

MARK GATES

APPELLEE

Opinion Delivered FEBRUARY 24, 2010

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F711660]

AFFIRMED

ROBERT J. GLADWIN, Judge

Appellant Nabholz Construction appeals a decision of the Arkansas Workers' Compensation Commission finding that the appellee, Mark Gates, is entitled to additional medical treatment. For reversal, appellant contends that the Commission erred in finding that additional medical services were reasonable and necessary for the treatment of appellee's compensable injury. Substantial evidence supports the Commission's decision; therefore, we affirm.

In reviewing decisions from the Workers' Compensation Commission, we view the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's findings, and we affirm if the decision is supported by substantial evidence. *Whitlach v. Southland Land & Dev.*, 84 Ark. App. 399, 141 S.W.3d 916 (2004). Substantial

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evidence is that relevant evidence which reasonable minds might accept as adequate to support a conclusion. *K II Constr. Co. v. Crabtree*, 78 Ark. App. 222, 79 S.W.3d 414 (2004). The issue is not whether we might have reached a different result or whether the evidence would have supported a contrary finding; if reasonable minds could reach the Commission's conclusion, we must affirm its decision. *Geo. Specialty Chem., Inc. v. Clingan*, 69 Ark. App. 369, 13 S.W.3d 218 (2000).

Arkansas Code Annotated section 11-9-508(a) (Supp. 2009) requires an employer to provide an injured employee such medical services "as may be reasonably necessary in connection with the injury received by the employee." The employee has the burden of proving by a preponderance of the evidence that medical treatment is reasonable and necessary. *Stone v. Dollar Gen. Stores*, 91 Ark. App. 260, 209 S.W.3d 445 (2005). What constitutes reasonable and necessary medical treatment is a question of fact to be determined by the Commission. *Bohannon v. Wal-Mart Stores, Inc.*, 102 Ark. App. 37, 279 S.W.3d 502 (2008).

Because the only question on appeal is the sufficiency of the evidence and because the Commission's opinion adequately explains the decision, we affirm by memorandum opinion. *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985).

Affirmed.

PITTMAN and BAKER, JJ., agree.